

**SENATE JOURNAL
61ST LEGISLATURE
NINETIETH LEGISLATIVE DAY**

Helena, Montana
April 28, 2009

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Squires and Stewart-Peregoy, excused. Quorum present.

BILLS AND JOURNALS:

4/28/2009

Correctly printed: **HJR 32**.

Correctly enrolled: **SB 65, SB 171, SB 322, SB 503, SB 507, SB 510**.

Examined by the sponsor and found to be correct: **SB 65, SB 171, SB 322, SB 503, SB 507, SB 510**.

Delivered to the Secretary of State at 10:22 a.m., April 28, 2009: **SJR 19, SJR 30, SJR 39**.

Signed by the Speaker at 8:30 a.m., April 28, 2009: **SJR 19, SJR 39**.

Signed by the Secretary of the Senate at 2:40 p.m., April 27, 2009: **SJR 19, SJR 39**.

Signed by the President at 3:30 p.m., April 27, 2009: **SJR 19, SJR 39**.

Signed by the President at 3:45 p.m., April 27, 2009: **SJR 30**.

Signed by the Secretary of the Senate at 3:20 p.m., April 27, 2009: **SJR 30**.

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, and eighty-eighth legislative days, find the same to be correct.

Senator Curtiss, Chair

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on House Bill 123**

Report No. 1, April 28, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 123** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 123** (reference copy -- salmon) be amended as follows:

1. Page 4, line 10.

Strike: "2012"

Insert: "2013"

For the House:

Villa, Chairman
Ankney
Jones
A. Noonan

For the Senate:

Brueggeman, Chairman
T. Brown
Hansen

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Stewart-Peregoy present at this time.

SB 476 - Governor's Amendments - Senator Shockley moved Governor's amendments to **SB 476** be concurred in. Motion carried as follows:

Yeas: Bales, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 42

Nays: Balyeat, Barkus, Brenden, R. Brown, Hinkle, Jackson, Ripley.

Total 7

Absent or not voting: None.

Total 0

Excused: Squires.

Total 1

Senator Squires present at this time.

HB 658 - Free Conference Committee Report No. 1 - Senator Essmann moved the Free Conference Committee report to **HB 658** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Mr. President.

Total 37

Nays: Brueggeman, Cooney, Erickson, Gallus, Hawks, Juneau, Kaufmann, Larsen, Squires, M. Tropila, Wanzenried, Williams, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 676 - Free Conference Committee Report No. 1 - Senator Bales moved the Free Conference Committee report to **HB 676** be adopted. Motion carried as follows:

Yeas: Bales, Barkus, Black, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Jackson, Jent, Juneau, Keane, Laible, Laslovich, McGee, Murphy, Perry, Schmidt, Steinbeisser, M. Tropila, Tutvedt, Zinke, Mr. President.
Total 27

Nays: Balyeat, Barrett, Branae, Brenden, Cooney, Erickson, Gillan, Hansen, Hawks, Hinkle, Kaufmann, Larsen, Lewis, Moss, Peterson, Ripley, Shockley, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/28/2009

SB 503, introduced by Essmann

Governor's amendments to Senate bills concurred in and returned to the Senate: 4/28/2009

SB 65, introduced by Hawks

SB 507, introduced by Story

Free Conference Committee Report No.1 adopted: 4/28/2009

SB 171, introduced by Barkus

SB 348, introduced by Essmann, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, **failed** the House with the following vote:

4/28/2009

Yeas - 58

Nays - 42

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 371, Free Conference Committee Report No. 1, adopted as follows:

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Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Hinkle, Jackson, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.

Total 39

Nays: Cooney, Erickson, Hamlett, Hansen, Jent, Juneau, Kaufmann, Moss, Squires, M. Tropila, Williams.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 510, as amended by the House, passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Mr. President.

Total 37

Nays: Cooney, Erickson, Hansen, Hawks, Jent, Juneau, Kaufmann, Moss, Squires, J. Tropila, M. Tropila, Wanzenried, Zinke.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 213 concurred in as follows:

Yeas: Bales, Barrett, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 36

Nays: Balyeat, Barkus, Black, Brenden, Esp, Essmann, Hinkle, Jackson, McGee, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HJR 32 concurred in as follows:

Yeas: Branae, R. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy.
Total 31

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Laible, McGee, Perry, Ripley, Steinbeisser, Zinke, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator McGee moved to change his vote on **HB 213** from yes to no. Without objection, so ordered.

Senator Peterson moved the Senate recess until 10:30 a.m. Motion carried.

Senate in recess.

Senate reconvened at 10:30 a.m.

Roll Call. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Bill 2
Report No. 1, April 28, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 9.

Strike: "748,544" [general fund FY 10]

Insert: "784,458" [general fund FY 10]

2. Page A-1, line 12.

Strike: "1,921,643" [general fund FY 10]

Insert: "1,941,643" [general fund FY 10]

3. Page A-2, line 3 through line 4.

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Strike: line 3 through line 4 in their entirety

4. Page A-2, line 6.

Strike: "IF SENATE BILL No. 460 IS PASSED AND APPROVED,"

Strike: "IS REDUCED BY"

Insert: "includes one-time-only money of"

Following: "2010 AND"

Strike: "BY"

5. Page A-2, line 7.

Following: "FISCAL YEAR 2011" on line 7

Insert: "for monitoring of the federal American Recovery and Reinvestment Act of 2009."

6. Page A-2, line 18.

Strike: "2,461,531 2,463,759" [general fund FY10 and FY11]

Insert: "2,733,434 2,738,417" [general fund FY10 and FY11]

7. Page A-3, line 22.

Strike: "reductions"

Insert: "increases"

Following: "money of "

Strike: "\$183,161"

Insert: "\$88,742"

Following: "2010 and "

Strike: "\$183,161"

Insert: "\$91,497"

8. Page A-4, line 1.

Strike: "reductions"

Insert: "increases"

9. Page A-6, line 12.

Strike: "2,564,823 2,632,131" [general fund FY10 and FY11]

Insert: "4,314,823 4,382,131" [general fund FY10 and FY11]

10. Page A-6.

Following: line 14

Insert: "b. Restoration of Unspecified Reduction (OTO)

250,000 250,000" [general fund in FY10 and FY11]

11. Page A-7.

Following: line 9

Insert: "c. SB 503 -- Montana Economic Stimulus Act

86,166 77,066" [general fund in FY 2010 and FY 2011]

12. Page A-7.

Following: line 11

Insert: "a. HB 658 -- Mitigate Reappraisal (OTO)

808,646 778,407" [general fund in FY 2010 and FY 2011]

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13. Page A-7, line 16.

Strike: "\$3,002,852" in both places

Insert: "\$1,252,852" in both places

14. Page A-7.

Following: line 17

Insert: "The agency may allocate Restoration of Unspecified Reduction among programs when developing 2011 biennium operating plans."

15. Page A-7.

Following: line 21

Insert: "If Senate Bill No. 503 is not passed and approved, SB 503 -- Montana Economic Stimulus Act is void.
If House Bill No. 658 is not passed and approved, HB 658 -- Mitigate Reappraisal is void."

16. Page A-8.

Following: line 10

Insert: "b. HB 213 -- Establish Southwestern Montana Veterans' Home (OTO) 32,253" [state special fund in FY 2010]

17. Page A-8, line 16.

Strike: "263,132 263,132" [federal special fund in FY 2010 and FY 2011]

Insert: "526,264" [federal special fund in FY 2010]

18. Page A-8.

Strike: line 20 through line 21 in their entirety

Insert: "b. SB 57 -- Revise Laws Governing Special Districts 42,000 35,850" [state special fund in FY 2010 and FY 2011]

19. Page A-9.

Following: line 5

Insert: "c. SB 351 -- Revise Residential Mortgage Licensing Law 37,912 30,970" [state special revenue in FY 2010 and FY 2011]

20. Page A-10.

Following: line 1

Insert: "If House Bill No. 213 is not passed and approved, HB 213 -- Establish Southwestern Montana Veterans' Home is void."

21. Page A-10.

Following: line 19

Insert: "g. High-Performance Computing (OTO)
1,000,000 1,000,000" [general fund in FY 2010 and FY 2011]

22. Page A-11, line 12.

Strike: "3,000,000" [state special fund FY 10]

Insert: "4,336,784 1,399,859" [state special fund FY 10 and FY 11]

23. Page A-12.

Strike: line 8

24. Page A-12.

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Following: line 11

Insert: "If Senate Bill No. 100 is not passed and approved, the appropriation for Coal Board Local Impact Grants is reduced by \$1,336,784 state special revenue in fiscal year 2010 and \$1,399,859 state special revenue in fiscal year 2011."

25. Page A-12, line 22.

Strike: "9,997,707 9,982,154" [state special fund FY 10 and FY 11]

Insert: "10,018,677 10,003,124" [state special fund FY 10 and FY 11]

26. Page A-13, line 4.

Strike: "14,377,938 14,394,755" [state special fund FY 10 and FY 11]

Insert: "14,454,050 14,419,340" [state special fund FY 10 and FY 11]

27. Page A-13.

Following: line 13

Insert: "If House Bill No. 662 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$32,648 of state special revenue in fiscal year 2010 and by \$18,558 of state special revenue in fiscal year 2011.

If Senate Bill No. 271 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$10,981 of state special revenue in fiscal year 2010.

If House Bill No. 578 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$12,661 of state special revenue in fiscal year 2010."

28. Page B-1, line 4.

Strike: "31,632,822 32,510,189" [general fund FY10 and FY11]

Insert: "31,646,022 32,523,389" [general fund FY10 and FY11]

Strike: "1,274,231" [state special fund FY10]

Insert: "1,274,369" [state special fund FY10]

29. Page B-1, line 5.

Strike: "1,275,963" [state special fund FY11]

Insert: "1,276,101" [state special fund FY11]

Strike: "199,038,960 207,258,400" [federal special fund FY10 and FY11]

Insert: "199,055,582 207,275,022" [federal special fund FY10 and FY11]

30. Page B-1, line 10 through line 11.

Strike: line 10 through line 11 in their entirety

Renumber: subsequent sections

31. Page B-1

Following: line 22

Insert: "d. Rent Increases (Restricted)

150,797 163,073 [general fund FY10 and FY11]

1,573 1,701 [state special fund FY10]

156,071 168,777 [federal special fund FY10 and FY11]

e. Renewable Energy Certificates

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65,625" [state special revenue FY2011]
f. Additional Universal System Benefits
89,920 179,840 [state special revenue FY 10 and FY 11]
g. Renewable Energy Certificates
65,625" [state special revenue FY2011]
h. Additional Universal System Benefits
89,920 179,840" [state special revenue FY 10 and FY 11]

32. Page B-2, line 2.

Strike: "27,596,106 28,578,012" [federal special fund FY10 and FY11]

Insert: "26,690,146 27,672,052" [federal special fund FY10 and FY11]

33. Page B-2, line 3.

Strike: "32,702,790 33,900,913" [general fund FY10 and FY11]

Insert: "32,915,112 34,113,235" [general fund FY10 and FY11]

34. Page B-2, line 9.

Strike: "277,000 277,000" [general fund FY10 and FY11]

Insert: "227,000 227,000" [general fund FY10 and FY11]

987,000 987,000" [federal special fund FY10 and FY11]

35. Page B-2

Following: line 9

Insert: "b. Rent Increases (Restricted)

190,189 206,148 [general fund FY10 and FY11]

106,982 115,958" [federal special fund FY10 and FY11]

36. Page B-2, line 14.

Strike: "1,741,420" [general fund FY 2010]

Insert: "2,215,067" [general fund FY 2010]

37. Page B-2

Following: line 14

Insert: "a. Rent Increases (Restricted)

65,292 61,057 [general fund FY10 and FY11]

126,854 118,628" [federal special fund FY10 and FY11]

38. Page B-2, line 20.

Strike: "2,275,020 2,279,527" [general fund FY10 FY11]

Insert: "2,611,399 2,645,967" [general fund FY10 FY11]

Strike: "17,660,979 17,688,454" [state special fund FY10 FY11]

Insert: "17,324,600 17,322,014" [state special fund FY10 FY11]

39. Page B-3

Following: line 15

Insert: "b. Rent Increases (Restricted)

26,160 28,059 [general fund FY10 and FY11]

5,414 5,797 [state special fund FY10 and FY11]

37,477 40,016" [federal special fund FY10 and FY11]

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40. Page B-3, line 18.

Strike: "52,999,747 53,863,403" [general fund FY 10 and FY 11]

Insert: "55,180,831 56,044,487" [general fund FY 10 and FY 11]

41. Page B-4, line 6.

Strike: "2,252,469 2,322,868" [general fund FY 10 and FY 11]

Insert: "1,252,469 1,322,868" [general fund FY 10 and FY 11]

42. Page B-4

Following: line 8

Insert: "d. Rent Increases (Restricted)

84,529 90,517 [general fund FY10 and FY11]

6,496 6,957 [state special fund FY10 and FY11]

54,965 58,859" [federal special fund FY10 and FY11]

e. Autism Home -- Bozeman (Restricted/Biennial/OTO) 400,000" [general fund FY 10]

43. Page B-4, line 10.

Strike: "119,398,495 127,982,185" [general fund FY 10 and FY 11]

Insert: "119,148,495 127,732,185" [general fund FY 10 and FY 11]

44. Page B-4, line 11.

Strike: "6,884,927 9,337,599" [state special fund FY10 and FY11]

Insert: "23,573,568 26,026,240" [state special fund FY10 and FY11]

Strike: "285,921,988 304,665,158" [federal special fund FY10 and FY11]

Insert: "322,263,666 341,006,836" [federal special fund FY10 and FY11]

45. Page B-4, line 14.

Strike: line 14

Insert: "22,011,707 22,460,950" [state special fund FY10 and FY11]

"74,277,475 75,793,424" [federal special fund FY10 and FY11]

46. Page B-4, line 21.

Following: "Restricted"

Insert: "/Biennial"

47. Page B-5.

Strike: line 1

Insert: "25,960,000" [state special fund FY10]

"86,762,536" [federal special fund FY10]

48. Page B-5, line 9.

Strike: "7,602,567 8,169,677" [general fund FY 10 and FY 11]

Insert: "6,602,567 7,169,677" [general fund FY 10 and FY 11]

49. Page B-5, following line 9.

Insert: "g. Medicaid Funding for Certain Transplants for Adults (Restricted/OTO)

703,168 997,877" [general fund FY 10 and FY 11]

"2,372,809 2,035,183" [federal special fund FY10 and FY11]

"h. HIV Testing

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43,335 46,542" [general fund FY 10 and FY 11]
"89,961 96,752" [federal special fund FY10 and FY11]

50. Page B-5, line 11.

Strike: "30,912,433" [state special fund FY11]

Insert: "31,301,593" [state special fund FY11]

51. Page B-5, line 12.

Strike: "53,677,632 53,813,843" [general fund FY 10 and FY 11]

Insert: "54,677,632 54,813,843" [general fund FY 10 and FY 11]

Strike: "29,945,880" [state special fund FY10]

Insert: "30,326,045" [state special fund FY10]

52. Page B-5, line 22.

Strike: "3,476,265 3,482,536" [general fund FY 10 and FY 11]

Insert: "2,476,265 2,482,536" [general fund FY 10 and FY 11]

53. Page B-6, line 10.

Strike: "60,089,322 60,310,060" [general fund FY10 and FY11]

Insert: "64,355,585 65,585,660" [general fund FY10 and FY11]

Strike: "8,178,820 8,706,730" [state special fund FY10 and FY11]

Insert: "8,422,010 8,957,218" [state special fund FY10 and FY11]

54. Page B-6, line 17.

Strike: "1,318,879 1,374,740" [general fund FY 10 and FY 11]

Insert: "318,879 374,740" [general fund FY 10 and FY 11]

55. Page B-6, line 19.

Strike: "240,866 239,454" [general fund FY10 and FY11]

Insert: "1,240,866 1,239,454" [general fund FY10 and FY11]

Strike: "1,102,485 1,097,369" [state special fund FY 10 and FY 11]

56. Page B-8, line 19 through page B-9, line 4.

Strike: line 19 on page B-8 through line 4 on page B-9

57. Page B-10.

Strike: line 1 through line 3

58. Page B-10.

Following: line 5

Insert: "Health Resources Division includes a reduction of \$1,250,000 in general fund money in each year of the biennium. The agency may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

59. Page B-10.

Strike: line 9 through line 10

Insert: "HIV Testing is contingent upon passage and approval of Senate Bill No. 350."

60. Page B-10, line 13 through line 14.

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Following: "increased" on line 13

Strike: remainder of line 13 through line 14

Insert: "by \$18,750 in general fund money each year of the biennium."

61. Page C-1, line 8.

Strike: "9,469,445 9,534,605" [state special fund FY10 and FY11]

Insert: "9,031,578 9,053,522" [state special fund FY10 and FY11]

Strike: "492,114 503,729" [federal special fund FY10 and FY11]

Insert: "348,721 349,252" [federal special fund FY10 and FY11]

62. Page C-1.

Following: line 12

Insert: "c. Come Home to Hunt Pilot Project (Restricted) 493,000 493,000" [state special revenue fund FY10 and FY11]

63. Page C-1, line 14.

Strike: "8,191,104 8,220,167" [federal special fund FY10 and FY11]

Insert: "8,271,104 8,300,167" [federal special fund FY10 and FY11]

64. Page C-1, line 22.

Strike: "5,144,584 5,172,913" [state special fund FY10 and FY11]

Insert: "5,370,178 5,430,907" [state special fund FY10 and FY11]

65. Page C-3.

Following: line 5

Insert: "If House Bill No. 674 is not passed and approved, Field Services Division is increased by \$437,861 state special revenue and \$143,393 federal special revenue in fiscal year 2010 and \$481,083 state special revenue and \$154,477 federal special revenue in fiscal year 2011.

If House Bill No. 585 is not passed and approved, Come Home to Hunt Pilot Project is void.

If Senate Bill No. 425 is not passed and approved, Fisheries Division is reduced by \$80,000 federal special revenue in fiscal year 2010 and fiscal year 2011."

66. Page C-4.

Strike: line 6 through line 9 in their entirety

67. Page C-4, line 11.

Strike: "1,336,464 1,347,933" [general fund FY10 and FY11]

Insert: "1,595,184 1,631,821" [general fund FY10 and FY11]

Strike: "16,137,785 16,163,363" [state special fund FY10 and FY11]

Insert: "16,435,227 16,450,096" [state special fund FY10 and FY 11]

68. Page C-4.

Following: line 15

Insert: "c. Restoration of Unspecified Reduction (OTO)

250,000 250,000" [general fund in FY10 and FY11]

69. Page C-5.

Strike: line 6 through line 7 in their entirety

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70. Page C-5.

Following: line 9

Insert: "If Senate Bill No. 360 is not passed and approved, then Permitting and Compliance Division is reduced by \$8,720 general fund in fiscal year 2010 and by \$33,888 in fiscal year 2011.

If House Bill No. 678 is not passed and approved, Permitting and Compliance Division is reduced by \$297,442 state special revenue in fiscal year 2010 and \$286,733 state special revenue in fiscal year 2011.

The agency may allocate Restoration of Unspecified Reduction among programs when developing 2011 biennium operating plans."

71. Page C-6.

Strike: line 21 through line 22 in their entirety

Insert: "b. Senior Transportation (Restricted/Biennial/OTO) 300,000" [state special fund in FY 2010]

72. Page C-7.

Strike: line 12 in its entirety

Insert: "State special revenue for Emergency Medical Services Grants may be decreased and federal special revenue increased by a like amount if federal funds are available for the purposes of House Bill No. 85.

Senior Transportation may be used only for the purposes identified in 7-14-112. If House Bill No. 645 does not include a transfer of \$300,000 from the general fund to the senior citizen and persons with disabilities transportation services account established by 7-14-112, Senior Transportation is void."

73. Page C-7, line 16.

Strike: "49,647" [general fund FY11]

Insert: "49,317" [general fund FY11]

74. Page C-8, line 1.

Strike: "468,310 475,057" [general fund FY10 and FY11]

Insert: "441,457 448,192" [general fund FY10 and FY11]

Strike: "1,288,368 1,540,829" [state special fund FY10 and FY11]

Insert: "1,315,221 1,567,694" [state special fund FY10 and FY11]

75. Page C-9, line 4.

Strike: "134,291 133,361" [general fund FY10 and FY11]

Insert: "250,000 250,000" [general fund FY10 and FY11]

Insert: "169,447 455,274" [state special fund FY10 and FY11]

76. Page C-10.

Following: line 21

Insert: "d. Board of Oil and Gas Conservation Technical FTE (Restricted) 74,654 74,676" [state special fund FY10 and FY11]

e. CBM -- Water Production Study (Biennial/OTO) 50,000" [general fund FY2010]

77. Page C-11, line 1.

Strike: "3,262,479 3,284,005" [state special fund FY10 and FY11]

Insert: "3,122,479 3,144,005" [state special fund FY10 and FY11]

78. Page C-11.

Following: line 5

Insert: "c. Conservation District Grants (Restricted/OTO) 80,000 80,000" [state special fund FY10 and

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FY11]

79. Page C-11.

Following: line 7

Insert: "a. Update State Water Plan (Restricted/OTO) 154,735 152,085" [general fund FY10 and FY11]

80. Page C-11, line 11.

Strike: "15,869,216 16,003,083" [state special fund FY10 and FY11]

Insert: "15,894,216 16,028,083" [state special fund FY10 and FY11]

81. Page C-11.

Following: line 17

Insert: "d. Reliance Refinery Cleanup (Restricted/Biennial/OTO) 5,100,000 4,500,000" [state special fund FY10 and FY11]

"e. Navigable Rivers 10,000 10,000" [state special fund FY10 and FY11]

82. Page C-11.

Following: line 22.

Insert: "If House Bill No. 575 is not passed and approved, CBM -- Water Production Study is void."

83. Page C-12.

Following: line 8

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Conservation District Grants is void."

84. Page C-12.

Following: line 15

Insert: "If Senate Bill No. 303 is not passed and approved, Update State Water Plan is void.

If House Bill No. 674 is not passed and approved, Forestry and Trust Lands is reduced by \$25,000 state special revenue in fiscal year 2010 and in fiscal year 2011.

The department may use up to \$600,000 of Reliance Refinery Cleanup funds for grants to community partners for the purpose of furthering or expediting remediation or redevelopment activities.

If Senate Bill No. 507 is not passed and approved, Navigable Rivers is void."

85. Page C-13.

Following: line 10

Insert: "c. Fertilizer Check-Off Research 200,152 200,152" [state special fund FY10 and FY11]

86. Page C-13, line 14.

Following: "("

Insert: "Restricted/"

87. Page C-13, line 16.

Strike: "250,000 250,000" [state special fund FY10 and FY11]

Insert: "80,000 80,000" [state special fund FY10 and FY11]

88. Page C-13.

Following: line 20

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Insert: "If Senate Bill No. 300 is not passed and approved, Fertilizer Check-Off Research is void."

89. Page C-14.

Strike: line 1 through line 2

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Growth Through Agriculture Grants is void."

90. Page D-3.

Following: line 12

Insert: "b. Major Litigation -- Yellowstone Compact (Restricted/Biennial/OTO)
300,000 300,000" [general fund FY 2010 and FY 2011]

91. Page D-3, line 15.

Strike: "626,199 626,647" [state special fund FY 2010 and FY 2011]

Insert: "1,728,684 1,724,016" [state special fund FY 2010 and FY 2011]

92. Page D-3, line 21.

Strike: "5,770,645 5,785,557" [state special fund FY 2010 and FY 2011]

Insert: "7,545,295 9,256,924" [state special fund FY 2010 and FY 2011]

93. Page D-4.

Strike: line 2 through line 3 in their entirety

94. Page D-6, line 7.

Strike: "18,688,030 18,636,797" [general fund FY10 and FY11]

Insert: "18,938,030 18,886,797" [general fund FY10 and FY11]

Strike: "293,456 293,456" [state special fund FY10 and FY11]

Insert: "43,456 43,456" [state special fund FY10 and FY11]

95. Page D-6.

Following: line 7

Insert: "a. Relocate Lewis and Clark County Office Due to SB 158 Impact (Restricted/OTO) 59,043 7,556"[general fund FY 2010 and FY 2011]

96. Page D-6.

Strike: line 17 through line 20 in their entirety

Insert: "Funding in Relocate Lewis and Clark County Office Due to SB 158 Impact is contingent upon and passage and approval of Senate Bill No. 158. If Senate Bill No. 158 is not passed and approved, funding in Relocate Lewis and Clark County Office Due to SB 158 Impact is void."

97. Page D-7, line 10.

Strike: "58,359,201" [general fund FY 2011]

Insert: "59,859,201" [general fund FY 2011]

98. Page D-7, line 22.

Strike: "2,061,653 2,064,664" [general fund FY 2010 and FY 2011]

Insert: "962,154 965,016" [general fund FY 2010 and FY 2011]

99. Page D-8.

Strike: line 1 through line 2 in their entirety

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Renumber: subsequent subsections

100. Page D-8.

Following: line 4

Insert: "b. License Plate Budget (OTO)
1,099,499" [general fund FY 2010]

101. Page D-8.

Following: line 14

Insert: "Community Corrections includes an increase of \$1,500,000 in general fund money in fiscal year 2011. The agency may allocate this increase in funding among programs when developing 2011 biennium operating plans.

Community Corrections includes \$392,625 in general fund money in fiscal year 2010 and \$785,249 in general fund money in fiscal year 2011 that may be used only for provider rate increases for contracted community corrections services such as prerelease centers and treatment programs. "

102. Page D-8.

Following: line 22

Insert: "If Senate Bill No. 508 is not passed and approved, general fund money in Montana Correctional Enterprises is increased by \$1,099,499 in fiscal year 2010 and \$1,099,648 in fiscal year 2011 and the item License Plate Budget is void. If Senate Bill No. 508 is not passed and approved, \$2,886,308 in general fund money is appropriated as a restricted, biennial, one-time-only appropriation to support the reissue of license plates as required in 61-3-332."

103. Page E-1, line 13.

Strike: "528,979,895 529,951,539" [general fund FY10 FY11]

Insert: "528,670,835 541,158,569" [general fund FY10 FY11]

104. Page E-2.

Following: line 15

Insert: "n. HB 464 -- Advancing Agricultural Education in Montana (Restricted/Biennial)
110,750 113,250" [general fund FY10 & FY11]

105. Page E-3.

Following: line 7

Insert: "If House Bill No. 464 is not passed and approved, the item for HB 464 -- Advancing Agricultural Education in Montana is void."

106. Page E-4, line 9.

Strike: "3,515,682 3,504,253" [general fund FY10 and FY11]

Insert: "3,558,182 3,546,753" [general fund FY10 and FY11]

107. Page E-4, line 14.

Strike: "\$118,881"

Insert: "\$76,381"

108. Page E-5, line 10.

Strike: "863,530 863,523" [state special fund FY10 and FY11]

Insert: "803,530 803,523" [state special fund FY10 and FY11]

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109. Page E-5, line 11.

Strike: "2,496,928 2,711,111" [general fund FY10 and FY11]

Insert: "2,538,648 2,752,830" [general fund FY10 and FY11]

110. Page E-5.

Following: line 15

Insert: "c. Library Courier Services Pilot Project (Restricted/OTO) 80,000 80,000" [state special fund FY10 and FY11]

111. Page E-5, line 20.

Strike: "\$55,456 EACH YEAR OF THE BIENNIUM"

Insert: "\$13,736 in fiscal year 2010 and \$13,737 in fiscal year 2011"

112. Page E-6.

Strike: line 1 through line 3

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Library Courier Services Pilot Project is void."

113. Page E-6, line 7.

Strike: "1,087,870 1,103,458" [general fund FY10 and FY11]

Insert: "1,130,370 1,145,958" [general fund FY10 and FY11]

114. Page E-7, line 5.

Strike: "\$54,217"

Insert: "\$11,717"

115. Page E-7, line 9.

Strike: "2,275,234 2,284,338" [general fund FY10 & FY11]

Insert: "1,506,806 1,515,912" [general fund FY10 & FY11]

116. Page E-7, line 19.

Strike: "8,710,093 8,710,093" [general fund FY10 & FY11]

Insert: "8,535,484 8,535,483" [general fund FY10 & FY11]

117. Page E-8, line 6.

Strike: "128,382,795 130,694,418" [general fund FY10 & FY11]

Insert: "129,325,832 131,637,454" [general fund FY10 & FY11]

118. Page E-8.

Following: line 8

Insert: "b. Montana State University-Northern -- Biodiesel Research (Biennial/OTO) 400,000" [general fund FY2010]

Renumber: subsequent subsections

119. Page E-8.

Strike: line 13 through line 14 in their entirety

Renumber: subsequent subsections

120. Page E-10.

Following: line 5

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Insert: "OCHE--Administration includes a reduction in general fund money of \$768,428 in fiscal year 2010 and \$768,426 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

121. Page E-10.

Following: line 10

Insert: "OCHE--Community College Assistance includes a reduction in general fund money of \$174,609 in fiscal year 2010 and \$174,610 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans.

The variable cost of education for each full-time equivalent student at the community colleges, including Summitnet, is \$2,194 for each year of the 2009 biennium. The general fund appropriation for OCHE--Community College Assistance in [this act], the general fund appropriation for Community College Assistance--Restore to Governor's December 15 Budget in House Bill No. 645, and the federal special revenue appropriation for Community Colleges Tuition Mitigation in House Bill No. 645 provide 50.8% of the fixed cost of education plus 50.8% of the variable cost of education for each full-time equivalent student in fiscal year 2010 and fiscal year 2011. The remaining percentage of the budget must be paid from funds other than those appropriated in House Bill No. 2 or House Bill No. 645.

The sum of the general fund appropriation for OCHE--Community College Assistance in [this act], the general fund appropriation for Community College Assistance--Restore to Governor's December 15 Budget in House Bill No. 645, and the federal special revenue appropriation for Community Colleges Tuition Mitigation in House Bill No. 645 is calculated to fund education in the community colleges for an estimated 2,434 resident FTE students in fiscal year 2010 and 2,535 resident FTE students in fiscal year 2011. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the community colleges shall revert general fund money to the state in accordance with 17-7-142."

122. Page E-11, line 12.

Strike: "\$3,612,195"

Insert: "\$2,669,158"

Strike: "\$3,612,194"

Insert: "\$2,669,158"

For the House:

Sesso, Vice Chair
Hawk
Hiner
Jones

For the Senate:

Bales, Chairman
Lewis
Schmidt

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Free Conference Committee Report No. 1 - Senator Bales moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

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Yeas: Bales, Barkus, Black, R. Brown, T. Brown, Brueggeman, Curtiss, Gebhardt, Hamlett, Hansen, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Perry, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.

Total 28

Nays: Balyeat, Barrett, Branae, Brenden, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hawks, Hinkle, Juneau, Kaufmann, Larsen, Moss, Murphy, Peterson, Ripley, Shockley, Steinbeisser, Wanzenried.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 123 - Free Conference Committee Report No. 1 - Senator Brueggeman moved the Free Conference Committee report to **HB 123** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 476, as amended by the Governor, passed as follows:

Yeas: Bales, Barrett, Black, Branae, T. Brown, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 40

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Nays: Balyeat, Barkus, Brenden, R. Brown, Brueggeman, Hinkle, Jackson, Squires, Wanzenried, Williams.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Esp, Hinkle, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11, as amended by the Governor, concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Essmann, Hinkle, Shockley, Tutvedt.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 644 concurred in as follows:

Yeas: Bales, Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.
Total 27

Nays: Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle,

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Jackson, Jent, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved the Senate recess until 1:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:30 p.m.

COMMUNICATIONS AND PETITIONS

Date: April 28, 2009
To: Marilyn Miller, Secretary of Senate
From: David Hunter, Chief Clerk of the House

I am directed by the House to request the return of **SB 348**. The House on Motions voted to reconsider its action on **SB 348** by a vote of 55-43 on this legislative day.

MOTIONS

Senator Peterson moved to return **SB 348** to the House of Representatives. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Barkus, Black, R. Brown, T. Brown, Brueggeman, Curtiss, Gebhardt, Hamlett, Hansen, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Perry, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 27

Nays: Balyeat, Barrett, Branae, Brenden, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hawks, Hinkle, Juneau, Kaufmann, Larsen, Moss, Murphy, Peterson, Ripley, Shockley, Squires, Steinbeisser, Wanzenried.
Total 23

Paired: Windy Boy, Aye; Hawks, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 123, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.
Total 43

Nays: Balyeat, Jackson, Kaufmann, Shockley, Squires, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 645, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gebhardt, Gillan, Hamlett, Hansen, Jent, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Balyeat, Barkus, R. Brown, Esp, Essmann, Gallus, Hawks, Hinkle, Jackson, Juneau, Kaufmann, Larsen, Peterson, Shockley, Squires, Wanzenried.
Total 16

Paired: Windy Boy, Aye; Hawks, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 658, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Jent, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Brueggeman, Cooney, Erickson, Gallus, Hawks, Juneau, Kaufmann, Larsen, Laslovich, Moss, Squires, M. Tropila, Wanzenried.
Total 13

Paired: Windy Boy, Aye; Hawks, No.

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 676, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bales, Barkus, Black, Branae, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Gebhardt, Hamlett, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Schmidt, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.

Total 27

Nays: Balyeat, Barrett, Brenden, Cooney, Erickson, Essmann, Gallus, Gillan, Hansen, Hawks, Hinkle, Jackson, Kaufmann, Moss, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Wanzenried, Windy Boy.

Total 23

Paired: Schmidt, Aye; Windy Boy, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Barkus thanked the Pages for their work April 27-28, 2009.

Senator Peterson moved that the President appoint a committee to notify the Governor that the Senate of the 61st Legislature is ready to adjourn sine die. The President appointed Senators Bales, Schmidt, Hansen, and Black.

Senator Peterson moved that the President appoint a committee to notify the House of Representatives that the Senate of the 61st Legislature is ready to adjourn sine die. The President appointed Senators McGee, J. Tropila, Squires, and Laible.

Senator Peterson moved that the President appoint a committee to notify the Supreme Court that the Senate of the 61st Legislature is ready to adjourn sine die. The President appointed Senators Perry, Curtiss, Cooney, Esp, and Gebhardt.

The committee to inform the Senate that the House of Representatives is ready to adjourn sine die was admitted into the Senate Chambers and reported to the Senate. The committee was thanked.

Senate committees sent to notify the Governor, Supreme Court, and House of Representatives returned and were discharged.

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ADJOURNMENT

Senator Squires moved the Senate adjourn sine die at 2:32 p.m. Motion carried.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate